



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: D.J.'s Ground Maintenance Co., Inc.
File: B-256656
Date: March 17, 1994

DECISION

D.J.'s Ground Maintenance Co., Inc. protests the award of a contract by the Department of the Army under solicitation No. DABT01-93-B-0079.

We dismiss the protest as untimely because it was filed more than 10 days after the protester knew, or should have known, of the basis for its protest.

D.J.'s states that it sent a letter protesting the award dated January 10, 1994, which was addressed as follows:

"General Accounting Office
Directorate of Contracting
Sylvia J. Moody"

The envelope was addressed to the contracting activity at Fort Rucker, Alabama. D.J.'s further states that it telephoned the contracting activity to check on the status of its protest and was informed that it had incorrectly addressed its letter, intended for our Office, to the contracting officer's address. The Army then gave her our Office's address and, on March 8, D.J.'s filed its protest with us requesting a ruling on the agency's award determination.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). We have consistently held that a protester's lack of knowledge of our Regulations is no defense to a dismissal since our Regulations are published in the Federal Register and Code of Federal Regulations and protesters are charged with constructive notice of their contents. See Domation, Inc., B-228221, Sept. 28, 1987, 87-2 CPD ¶ 311.

Here, based on the date of the letter misaddressed to the Army, D.J.'s knew the basis of its protest by January 10 at the latest. Since its protest was not filed with our Office until March 8--considerably more than 10 days later--it is untimely. Contrary to D.J.'s contention, the agency was not obligated to forward the January 10 letter to our Office when it was received at Fort Rucker. Rather, it was D.J.'s responsibility to ensure that its protest was timely filed with our Office. The untimely filing of its protest was the direct result of D.J.'s misaddressing the letter to Fort Rucker instead of our Office.

The protest is dismissed.

Christine S. Melody
Christine S. Melody
Acting Associate General Counsel